

Official Minutes for Webb County Commissioners Court Meeting

Tuesday, April 10, 2007 at 9:00 AM

(APPROVED APRIL 23, 2007)

Call to order by Judge Danny Valdez

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:00 a.m. at the regular meeting place with the following members present to wit:

Danny Valdez	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Rosaura "Wawi" Tijerina	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Sergio "Keko" Martinez	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 5th day of April 2007. Present also were Mrs. Imelda Diaz, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

Item No. 1. ROLL CALL BY HONORABLE MARGIE RAMIREZ-IBARRA, WEBB COUNTY CLERK

Item No. 2. PLEDGE OF ALLEGIANCE

Item No. 3. APPROVAL OF MINUTES FOR MARCH 23, 2007 AND MARCH 26, 2007

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 4. APPROVAL OF BILLS, PAYROLL AND MONTHLY REPORTS

Mr. Leo Flores, County Auditor, advised the Court that all numbers are audited numbers since they have finished their independent audits. He explained that the County was at a 17.9% fund balance which is exceeding the 15% target. He mentioned that there were some allocations done to the water utility fund balance.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 5. COMMUNICATIONS

Judge Valdez sent his condolences to Mr. Eloy Ramirez's family with the recent death of Mr. Ramirez's father. He asked for a moment of silence for Mr. Eloy Ramirez Sr., Mr. Pepe Trevino, Hugo Gutierrez, and Mr. Juan Quintana.

Cmr. Sciaraffa sent his condolences to Mr. Fernando Gonzalez Family, Mr. Eloy Ramirez Family and Mr. Pepe Trevino Family.

Comr. Tijerina sent her condolences to Mr. Eloy Ramirez Family, The Gonzalez Family and The Trevino Family. She thanked everyone for their cooperation with the farewell party for Mr. Carlos Villarreal. She commended Ms. Cynthia Mares and staff for their hard work on the March seminar. She invited everyone to view the brush truck donated for the Quad Cities and commended Mr. Juan Vargas and staff for their hard work.

Comr. Garza had no items under communications.

Comr. Martinez sent his condolences to Mr. Eloy Ramirez Family.

Item No. 6. Public Comment-This section provides the public the opportunity to address the Commissioners Court on any items on the Agenda. Members of the public wishing to participate must complete a Witness Card specifying which agenda item they wish to comment on. Each public member will be allowed a total of three (3) minutes within which to make any/all public comments.

1st witness card – Judith Gutierrez

Ms. Judith Gutierrez stated that she was coming as a concerned citizen to talk on her opposition to the landfill of Hwy. 359. She explained that this issue was brought about six years ago and she always opposed it. She stated that her opposition is because of a lot of issues including health concerns for the community.

2nd witness card - George Algett

Mr. Algett stated that there were a great number of citizens that are opposed to this landfill. He made a presentation to the Court. He advised the Court that he is currently being retained by the Hwy 359 Coalition.

Comr. Tijerina commended Mr. Algett on his efforts and advised him to keep up his good work.

Judge Valdez asked if they can still do the landfill even if the County opposes it. Mr. Algett explained that TCEQ will be looking at all the factors and if there is opposition they will be looking at all oppositions. Mr. Algett encouraged the Court to maintain their opposition.

3rd witness card - Mary Louise Cavazos

Ms. Cavazos expressed her opposition on the landfill. She explained that they were owners of the property located near the proposed landfill and have not given up in the fight of this proposition. She stated that by having this landfill it will be a detriment to attract future developments.

Item No. 7. Discussion and possible action to proclaim the month of April as “Child Abuse Prevention Month” in Webb County, Texas.

Judge Valdez introduced Ms. Rebecca Salon and her staff that were present.

Ms. Rebecca Salon thanked the Court for their efforts in proclaiming Child Abuse Month. She thanked the many partners that the Children's Advocacy Center has which included Sheriff Rick Flores and his deputies, Chief Dovalina, County Attorney's office, District Attorney's office, Texas Department of Family Protective Services, Constable's office which provide protection at the Safe haven, and all Judges that help prosecute the perpetrators.

Judge Valdez thanked and commended everyone for their hard work and read proclamation.

Item No. 8. Discussion and possible action to approve the Commissioners Court appointments to the Webb County Rural Rail Transportation District.

Mr. Leroy Medford, Executive Administrator to the County Judge, advised the Court that at the last meeting the Court was to submit their appointees.

Judge Valdez stated that all appointees were to be made part of the record.

Judge Valdez appointed Mr. Leroy Medford.

Cmr. Sciaraffa reappointed Mr. Carlos Villarreal.

Cmr. Tijerina reappointed Mr. Hector Farias.

Cmr. Garza reappointed Dr. Micheal Yoder .

Cmr. Martinez appointed Mr. Mercurio Martinez Sr.

Mr. Leroy Medford advised the Court that all members would be sworn in at the next Rail District meeting.

Mr. Homero Ramirez, County Attorney, explained that in regards to the swearing in it does not need to be done in the Court and that it could be done outside the meeting.

Judge Valdez motioned to accept all appointees. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Martinez motioned to defer item # 9 to the last item on the meeting. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 10. Discussion and possible action authorizing the Purchasing Agent, Economic Development Director and the County Engineer to advertise for bids for water and sewer lines from house to mains on Tanquecitos I - Office of Rural Community affairs Project Contract (ORCA) No. 7211175 [Requested by Tomas M. Rodriguez Jr., P.E.; Account Number 654-8001-7009-3 (sewer) and 654-8001-7009-4 (water)]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 11. Discussion and possible action to create an account for Repairs and Maintenance of Equipment (Account No. 001-0202-6402) for the office of Commissioner, Precinct No. 2 to cover costs of a maintenance agreement for the E-Studio 351-C Digital Copier.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 12. Discussion and possible action to authorize the following transfer:
From: Acct. No. 001-0101-6402 Repairs & Maintenance Equipment \$1000.00
To: Acct. No. 001-0202-6402 Repairs & Maintenance Equipment \$1000.00**

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 13. Discussion and possible action to resolve to adhere to the Operational General Order duly adopted by the Commissioners Court for the Fiscal Year 2006-20007, effective April 11, 2007. (Co-Sponsored by Danny Valdez, Webb County Judge)

Cmr. Garza explained that the General Order was created to show how Webb County was to conduct business and one of the concerns was not to increase salaries so that the targeted fund balance could be kept. He mentioned that departments should be able to foresee any changes within the year and if they are unable to foresee the changes that all changes should wait till the next year's budget. He explained that there were a lot of inconsistencies being done by the Court.

Cmr. Garza motioned to approve item as submitted. Judge Valdez seconded the motion.

Cmr. Martinez asked Mr. Homero Ramirez, County Attorney, what the parameters were in regards to the motion that was just made and asked if Department Heads and/or Elected Officials have the right to maintain and move personnel and change salaries accordingly. Mr. Ramirez advised that Elected Officials would require immediate attention since they deal with different scopes. He recommended that the Court deal with a case by case scenario.

Cmr. Sciaraffa explained that he did not think that there were any inconsistencies being done by the Court but rather just taking it by a case by case scenario.

Judge Valdez stated that it was time to look at the General Order since the way it read did not make any exceptions but since there are exceptions they should be specified in the General Order. Mr. Homero Ramirez recommended not approving the item but rather amending the General Order in a subsequent meeting.

Cmr. Garza and Judge Valdez withdrew their motions.

Cmr. Garza tabled the item and in the next meeting to amend the General Order so that they are not too rigid or too lenient. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 14. Discussion and possible action to re-name the Indigent Services Program to Indigent Health Care Services Department.

Mr. Frank Salinas, Indigent Services Program Director, stated that the reason for the name change was because they have encountered some problems as to what was indigent services and/or indigent defense.

Cmr. Tijerina motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 15. Discussion and possible action to require all departments to submit job descriptions to the Webb County Commissioners Court before court will give authorization to fill slots.

Mr. Homero Ramirez advised the Court that all descriptions should go through Administrative Services as well.

Cmr. Garza motioned to approve item. Judge Valdez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 16. Discussion and possible action to request the County Auditor to update the Wage & Classification scale for Webb County.

Mr. Leo Flores, County Auditor, stated that his office had the expertise to update the classification scale. He stated that doing this would be beneficial to the County. He explained that whenever a person was in a position for 20 yrs no one could come and take the salary of that person which was earned within the 20 yr tenure. Also, titles would be categorized as Clerk I and Clerk II and employees would need a promotion in order to get a raise. Mr. Flores advised

the Court that he would like to have a committee established so that they could report to until they come up with a final report.

Judge Valdez stated that everyone should recommend a member to this committee.

Cmr. Garza motioned to approve item. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Ms. Patricia Barrera, Tax Assessor Collector, advised the Court that she has always started all her new employees at a 10% reduction in salaries. She mentioned that a concern that should be taken into consideration should be a cost of living.

Cmr. Garza advised that the reason why a committee was going to be built was so that the employees are not be left at the bottom.

MEDIA BREAK (10:15 a.m. to 10:32 a.m.)

Cmr. Tijerina motioned to bring up Executive Session. Cmr. Garza seconded the motion.

Mr. Homero Ramirez, County Attorney, asked the Court not to go into Executive Session since some outside Counsels were not present yet.

Cmr. Tijerina and Cmr. Garza withdrew their motions.

Item No. 17. Discussion and possible action to enter into a one (1) year (March 15, 2007 through March 14, 2008) maintenance agreement with ThyssenKruppp Elevator Corporation for the maintenance of two (2) ThyssenKrupp Elevators located at the Webb County Administrative Building at an annual cost of FIVE THOUSAND SEVEN HUNDRED NINE DOLLARS (\$5,709.00), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents.

Cmr. Sciaraffa motioned to approve item as submitted with exemptions. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Tijerina not present.

Item No. 18. Discussion and possible action enter into a one (1) year (March 15, 2007 through March 14, 2008) maintenance agreement with ThyssenKruppp Elevator Corporation for the maintenance of one (1) ThyssenKrupp Elevator located at the Webb County Courthouse at an annual cost of TWO THOUSAND THREE HUNDRED THIRTY-EIGHT DOLLARS AND FIFTY-SIX CENTS (\$2,338.56), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents.

Cmr. Sciaraffa motioned to approve item as submitted with exemptions. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Tijerina not present.

Item No. 19. Discussion and possible action to enter into a one (1) year (March 15, 2007 through March 14, 2008) maintenance agreement with ThyssenKruppp Elevator Corporation

for the maintenance of one (1) ThyssenKrupp Elevator located at the Webb County Justice of the Peace, Precinct 2 Building at an annual cost of ONE THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS AND SIXTY-FOUR CENTS (\$1,994.64), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. documents.[Requested by Road and Bridge Department; Account Number 010-7002- 6014 (Equipment Rental)]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 20. Discussion and possible action to enter into a one (1) year (March 15, 2007 through March 14, 2008) maintenance agreement with ThyssenKruppp Elevator Corporation for the maintenance of five (5) ThyssenKrupp Elevators located at the Webb County Justice Center at an annual cost of FOURTEEN THOUSAND FOUR HUNDRED FORTY-FOUR DOLLARS AND TWENTY-EIGHT CENTS (\$14,444.28), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code Section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents.

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 21. Discussion and possible action to enter into a (12) twelve month (April 1, 2007 through March 30, 2008) Premium Plus Maintenance agreement with Toshiba Business Solutions to service a Toshiba ES-352, located in the Webb County Sheriff's office at a maintenance fee of FORTY-FIVE DOLLARS AND NO CENTS (\$45.00) per QUARTER or ONE HUNDRED EIGHTY DOLLARS AND NO CENTS (\$180.00) over the term of the agreement and (\$0.006500) per copy, and authorizing the County Judge to sign all relevant documents.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Mr. Homero Ramirez advised that there would also be a per copy charge.

Motion carried 5-0 by unanimous consent.

Item No. 22. Discussion and possible action to rescind the design build agreement with Professional Golf Services, LP as approved by the Webb County Commissioners Court meeting of October 10 & 11, 2006, and enter into a Design Build Agreement with Professional Golf Services, LP for golf course renovations at the Webb County Golf Course in the amount of TWO HUNDRED EIGHTY TWO THOUSAND DOLLARS (\$282,000.00), and authorizing the County Judge to execute all relevant documents. [Requested by Webb County Engineering Department; Account Number 665-6001-8601]

Cmr. Sciaraffa motioned to table item. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 23. Discussion and possible action to enter into an Equipment Maintenance Agreement with Office Communication Systems, Inc. for one (1) Toshiba ES-351C Digital Photocopier Machine for the Pct. 2 Commissioner's Office for a twelve (12) month period (April 1, 2007 through March 31, 2008) with a quarterly base rate of FORTY-FIVE DOLLARS (\$45.00) PER QUARTER OF FIVE HUNDRED FORTY DOLLARS OVER THE TERM OF THE LEASE including NO copies AND \$0.0090 overage per black copy and \$0.0850 overage per color copy authorizing the County Judge to sign all the relevant documents. [Requested by Commissioner Pct. 2; Account Number 903-0202-6014]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 24. Discussion and possible action to accept ONE (1) Right of Way out of Laredo Ranchettes Inc. and TWO (2) Drainage Easements out of Phase 1 of the Bonanza Hills Subdivision and authorizing the County Judge and Commissioners to sign all relevant documents.

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 25. Discussion and possible action to approve and authorize the County Judge to accept a correction deed from Bruno Wolf, Jr., to correct metes and bounds descriptions in a 1959 deed to Webb County being the Casa Blanca Spillway tract and authorizing the County Judge to sign all relevant documents. [Requested by the County Engineer]

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 26. Discussion and possible action to enter into a Memorandum of Understanding between the Office of Court Administration (OCA) and Webb County to receive Information Technology Funding Assistance for the County Clerk's Office of Court Collections and authorizing the Webb County Judge to sign all relevant documents.

Mrs. Kristina Guerra advised the Court that the item was to secure some grant monies totaling \$4950.00 that the County Clerks Office was tentatively already approved for.

Cmr. Martinez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 27. Discussion and possible action to authorize payment to Brown' River Bindery, Inc. in the amount of \$844.00 for the preservation of the marriage license book which includes marriages from 1850-1869. [Account Number 009-1120-3116-VS]

Mrs. Margie Ramirez Ibarra explained that Senate Bill 1744 allowed the County Clerks Office to charge a \$1.00 fee and since June 2006, the department has collected a total of \$2902.00. Mrs. Ibarra advised the Court that this was the first book that was sent for preservation and that she planned to send other books to be preserved.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 28.** Discussion and possible action to approve the following title and salary changes effective April 10, 2007:
Slot #1866 from Court Coordinator at \$47,206 to Civil Docket Coordinator at \$50,500
Slot #1904 from Secretary/Receptionist at \$30,534 to Court Administrative Assistant at \$32,500
Slot #0801 from Court Coordinator to Drug Docket Coordinator with no change in salary
Slot #0805 from Secretary Typist to Receptionist/Court Clerk with no change in salary

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Cmr. Martinez asked Mr. Leo Flores, County Auditor, from where the monies were coming from; to which Mr. Flores responded that they will be coming out of the payroll savings of the department.

Motion carried 4-1 with Cmr. Garza abstaining from voting.

- Item No. 29.** Discussion and possible action to approve the submission of an application to the U.S. Department of Justice Office of Justice Programs Bulletproof Vest Partnership for the acquisition of bulletproof vest. The \$10,000 cash match will be met through cash match funds set aside each year annually in the Webb County Budget (FY 2008).

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Cmr. Sciaraffa asked that this be budgeted on next year's budget; to which Ms. Anita Guerra, Sheriff's Department, answered that it will be placed on next year's budget.

Motion carried 5-0 by unanimous consent.

- Item No. 30.** Discussion and possible action to accept a grant award from the Department of Homeland Security Office of Grants & Training Commercial Equipment Direct Assistance Program (CEDAP) for a FY 06 CEDAP award for a Video Detective in the amount of \$33,100.

Cmr. Tijerina motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31.** Discussion and possible action to accept the following watercrafts donated by the Texas Parks & Wildlife to the Webb County Sheriff's Department Fleet:
(1) BOAT: 1998 Duracraft, Title no. B9560JU02112088C1
OUTBOARD MOTOR: 1996 Yamaha, M3781ET0211208813
(1) BOAT: 1995 Hydro Sport, Title no. B2588JV0301221374
OUTBOARD MOTOR: 1999 Mercury, Title no. M4607ET0212133820

Cmr. Tijerina asked if there was information on the insurance for the boats. Mr. Leroy Medford advised that Ms. Cynthia Mares, Administrative Services, asked that if the Court was to approve that they state the approval be subject to insurance quotes.

Cmr. Martinez motioned to table the item. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 32. Discussion and possible action to approve the purchase of a Canon Image RUNNER 7086 at \$15,500 and a Canon Image RUNNER 3035 at \$4,700 totaling \$20,200. [Account Number 722-0700-8801]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Cmr. Martinez asked what the description was for the account number; to which, Ms. Patricia Barrera, Tax Assessor Collector, answered that it was Capital Outlay.

Motion carried 5-0 by unanimous consent.

Item No. 33. Discussion and possible action to approve refund of:
1. \$3,858.32 to Proton Energy LLC, from mineral accounts 02928009224055WI, 03520009224055WI, 03808739224055WI, 03814659224055RI and 03814659224055WI due to Delete Account Order for 2006.
2. \$10,522.55 to Key Energy Services Inc., from mineral accounts 991632892230600, 995172592230600, 995173092230600, 995173192230600, 998919392230600, 998919492230600, 998919592230600 and 998919692230600 due to duplication with Brooks Wells Svcs. for 2006.

Cmr. Sciaraffa motioned to approve #1 on item as submitted. Cmr. Martinez seconded the motion.

Ms. Patricia Barrera stated that the check would be made out to another name being that the company changed names.

Cmr. Sciaraffa motioned to approve #2 on item as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 34. Discussion and possible action to authorize the publication of bid opening for Webb County bank depository contract for a period of 2 or 4 years, PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE SECTIONS 116.021 (a), 117021 (a).

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 35. Discussion and possible action to submit the El Aguila Rural Transportation Program's 5311 grant to Texas Review and Comment System (TRACS) for comment and review in the amount of \$249,819.00 (federal funds only) from Texas Department of Transportation. [Account Number: 980-4200-3502]

Cmr. Garza motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 36. Discussion and possible action to enter into a grant agreement between the State of Texas, acting through the Texas Department of Transportation and the Webb

County Community Action Agency for \$249,819.00 in federal funds to be used in the operation of the El Aguila Rural Public Transportation Program. County match required is \$67,700.00. [Account Number: 980-4200-3502]

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 37. Discussion and possible action to authorize the development and submission of a grant application to the Meadows Foundation in the amount of \$128,000.00 for the purpose of completing the construction of the Girl Scouts of Greater South Texas/Webb County Youth Facility on the corner of Guatemozin Street and Stone Avenue. This action will have no impact on the County's General Fund.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

**Item No. 38. Discussion and possible action authorizing to transfer the following funds:
From: Acct. No. 010-0115-5601 Administrative Travel \$1,000.00
Acct. No. 010-0115-5602 Local Mileage \$2,800.00
Acct. No. 010-0115-6011 Training & Education \$1,000.00
To: Acct. No. 010-0115-6001 Office Supplies \$2,000.00
Acct. No. 010-0115-6402 Equipment Maintenance \$2,800.00**

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 39. Discussion and possible action to enter into an Interlocal Agreement with Zapata County for autopsy services at ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) per autopsy for a one year period beginning April 10, 2007 and authorizing the County Judge to sign all relevant documents; and any other matters incident thereto.

Mr. Homero Ramirez, County Attorney, asked the Court for clarification on the compensation of \$300.00 that Ms. Corrine Stern, Medical Examiner, asked for in a previous action that was taken by the Court. He advised the Court that action was not taken in regards to this matter. Cmr. Martinez stated that he had no objections only if the \$300.00 were not coming out of the \$1500.00 fee. Ms. Stern explained that even with the \$300.00 deduction the County would still be getting \$1000.00. Mr. Ramirez explained that this compensation would be given to Ms. Stern for doing additional work besides her own work. Ms. Stern advised the Court that besides Zapata County there were several other counties interested in sending their autopsies to Webb County.

Cmr. Martinez motioned to table the item. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40. Discussion and possible action to set fees for autopsy reports and other documents requested from the Medical Examiner's Office.

Ms. Corrine Stern, Medical Examiner, explained that the Texas Health and Safety Code states that the Commissioner's Court shall establish a fee for all autopsy reports not to exceed \$25.00. She recommended that the immediate family members not be charged for any autopsy reports and that the fee be set at \$25.00.

Cmr. Martinez motioned to approve Ms. Stern's recommendation. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Sciaraffa not present.

- Item No. 41.** Discussion and possible action to authorize the County Engineer and/or Road and Bridge Superintendent to draw the necessary funds in an amount up to \$111,081.32 from the Stand By Letter of Credit No. SB501069 (International Bank of Commerce) as required to complete pending road improvements to the San Juan Road as required by the final plat of the Bonanza Hills Subdivision, Phase I in the event that, on or before April 13, 2007, the developer fails to either: 1) complete the improvements as required by the final plat approval of the Bonanza Hills Subdivision, Phase I plat; or 2) provide a reasonable time extension to the financial guarantee.

Mr. Tomas Rodriguez, County Engineer, recommended to the Court that instead of giving 100% credit, that only 75% credit be granted and deduction of about \$40,000 be made to the \$111,000 and then they would renew another irrevocable letter of credit in that amount of around \$61,000. He explained that if the Court granted him permission he would continue working on project.

Cmr. Sciaraffa motioned to approve Mr. Rodriguez's recommendation. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 42.** Discussion and possible action to fill the following five vacant Assistant Public Defender slots at the salaries budgeted for this current fiscal year:
- Slot #0270 with a yearly salary of \$62,599
 - Slot #1725 with a yearly salary of \$57,876
 - Slot #0254 with a yearly salary of \$73,253
 - Slot #2200 with a yearly salary of \$57,876
 - Slot #1884 with a yearly salary of \$73,253

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 43.** Discussion and possible action to authorize the Purchasing Agent to purchase an Audio Video System in the amount of \$83,608.19 from VSGI through the MICTA state contract number 0710MSC-A-0036 for the 111th Judicial District Court. FUND Certificates of Obligations Series 2006. [Requested by Judge Raul Vasquez; Account Number 722-8108-8801]

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 44.** Discussion and possible action to authorize the purchasing agent to purchase an Audio Video System in the amount \$50,347.25 from VSGI through the MICTA state contract number 0710MSC-A-0036 for the 406th Judicial District Court FUND: Certificates of Obligation Series 2006. Account # 722-8108-8801. [Requested by Judge Oscar J. Hale; Account Number 722-8108-8801]

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 45.** Discussion and possible action to award Bid 2007-60 "Food Commodities" to Ben E. Keith, 5505 Kaepa Court, San Antonio, Texas 78218. [Requested by Eloy Ramirez;; Account Number 952-4216-6213 Meals on Wheels] [955-4222-6213 Elderly Nutrition] [903-4207- 6219 & 906-4209-6213 Head Start]

Cmr. Tijerina motioned to table item. Cmr. Garza seconded the motion.

Cmr. Sciaraffa asked if there were any local bids turned in. Mr. Eloy Ramirez, Purchasing Agent, explained that no local vendors turned in a bid since not everyone has the child commodities.

- Item No. 46.** Discussion and possible action to award Bid 2007-71 "Pavement Linear and Reflectors to Espejo Molina" to Laredo Striping, Inc, P.O. Box 451234, Laredo, Texas 78045, Attn: Naeem Patel, in the amount of \$30,338.75. FUND: 661-7501-8621-01, BAL: \$31,000.00. [Requested by Eloy Ramirez, Jr.; Account Number 661-7501-8621-01]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Martinez seconded the motion.

Cmr. Garza asked Mr. Eloy Ramirez what account was going to be used; to which Mr. Ramirez answered that Road & Bridge had provided the number. Mr. Tomas Rodriguez, County Engineer, advised the Court that the account number was from a special bond series account used for roads.

Motion carried 5-0 by unanimous consent.

- Item No. 47.** Discussion and possible action to authorize the Purchasing Agent to purchase a Security System from Osaeta Security Systems, Inc. in the amount of \$10,714.00 for Judge Oscar O. Martinez' Court. FUND: Account No. 016-1044-8801 (Capital Outlay). [Requested by Judge Oscar O. Martinez; Account Number 016-1044-8801]

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 48.** Discussion and possible action to award Bid 2007-70 "Video Surveillance System" to Law Enforcement Associates, Inc., 100A Hunter Place, Youngsville, NC 27596, attn: Mr. Matt Byrd. FUND: Grant from Crime Stoppers, Account No. 015-2001-8801, BAL: \$40,200.00 and Account 168-2001-8801 BAL: \$39,391.00. [Requested by Eloy Ramirez, Jr.; Account Number 015-2001-8801and 168-2001-8801]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 49.** Discussion and possible action to amend fund 010 Road & Bridge by allowing the following line item transfers listed below:
From: 010-7002-6205 Materials & Supplies \$ 31,500.00
To: 010-7002-6502 Janitorial Supplies \$ 1,500.00
To: 010-7002-6405 Repair & Maintenance of Roads \$ 30,000.00

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Tijerina seconded the motion.

Cmr. Garza asked Mr. Jose Luis Ramos, Road & Bridge, if there would be a balance left under materials and supplies; to which Mr. Ramos answered yes.

**Item No. 50. Discussion and possible action to authorize Dept. 0108, Road & Bridge/Motor Pool Department to fill the following slot:
Slot 2316 Mechanic @ \$11.12/hr.**

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Cmr. Garza asked if the salary was competitive with the certification that he is requiring and how many mechanics he had currently employed, to which, Mr. Jose Luis Ramos, Road & Bridge, responded that no it was not competitive and he currently had fifteen mechanics employed.

Motion carried 5-0 by unanimous consent.

Cmr. Sciaraffa motioned to go into Executive Session. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Executive Session (11:25 a.m. to 1:08 p.m.)

Judge Valdez no action taken.

Cmr. Tijerina presented Mr. Carlos Villarreal, Executive Administrator to the Commissioner's Court, with a plaque.

Item No. 51. Discussion and possible action to consider and act on the recommendation of the Webb County Employee Grievance Committee regarding the grievance filed by Cayetano Tijerina, former Assistant Human Resources Coordinator. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Mr. Homero Ramirez, County Attorney, recommended to table the item since Ms. Mares was not present at the meeting.

Cmr. Martinez motioned to table the item. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 52. Discussion and possible action to consider and designate a representative to mediation in Cause No. 2006-CVQ-000627-D2; Jose Luis Rodriguez vs. County of Webb; Louis H. Bruni, in his Individual Capacity; Frank Sciaraffa, in his Individual Capacity; Jerry Garza, in his Individual Capacity; and Cindy Cortez Brunner, in her Individual Capacity; In the 111th Judicial District Court of Webb County, Texas; and to provide direction and authority in this case. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Mr. Homero Ramirez, County Attorney, recommended to the Court to appoint a Commissioner to be the County Representative to attend the mediation.

Cmr. Sciaraffa motioned to recommend Cmr. Martinez as the County Representative. Cmr. Tijerina seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 53. Discussion and possible action to consider and provide direction and authority in Civil Action No. L-04-CV-170; Jesus Eligio "Chuy" Cantu vs. Webb County, Texas, and Webb County Commissioners Court; In the United States District Court for the Southern District of Texas, Laredo Division [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Mr. Homero Ramirez, County Attorney, asked the Court for direction on this item.

Cmr. Martinez stated that no action was needed.

Item No. 54. Discussion and possible regarding Cause No. 06-1079; The City of Laredo, Texas vs. Martha Escamilla, et al; In the Supreme Court of Texas, and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Judge Valdez stated that in the spirit of cooperation, this would be the first step in trying to resolve the issues of the bridges. Mr. Jim Allison, Allison Bass & Associates, commended the Court for their efforts in working together with the City of Laredo.

Judge Valdez motioned to authorize legal counsel to file a joint motion with legal counsel of the City of Laredo to withdraw the petition to review in the City of Laredo vs. Escamilla and Webb County, Texas and take all necessary actions to conclude this litigation by agreement of the parties including waiver of attorney fees with conveyance of one placed property to UISD. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 55. Discussion and possible regarding Cause No. GV-4039343; Webb County, Texas vs. Gregg Abbott, et al; In the 261st Judicial District Court of Travis, County, Texas; and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, advised the Court that Mr. Paul Martin, Winstead & Sechrest, was present since he is the one that represents the County in this matter.

Cmr. Martinez motioned to dismiss the petition and proceedings that vacate the opinion of the 3rd Court of Appeals. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 56. Discussion and possible action regarding Application of Regional Land Management Services, Ltd., for Permit No. 2286, TCEQ Docket No. 2003-0729-MSW; SOAH Docket No. 582-04-0975; and any matter incident. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Jim Allison , Allison Bass & Associates, explained that when the original application was filed, the County Attorney upon Commissioner's Court instruction, sought and obtained a party status for the County in these proceedings. Mr. Allison advised that in spite of the authority limitations that the County has, in regards to the solid wastes the County does have the authority and responsibility. He explained that under the Health and Safety Code, the County is authorized to adopt an ordinance which prohibits the deposal of solid wastes in certain parts of the county, petition and be a party to any proceeding to obtain a solid waste permit in order to ensure that the public's interest be obtained in those proceedings, and last the County may choose not to be involved. Mr. Allison stated that with the Court's approval they will continue to be involved in the project to make sure that the site is thoroughly reviewed.

Cmr. Martinez motioned to instruct the County Attorney and the Law Office of Allison Bass & Associates to continue to represent Webb County as an interested party in the Landfill Application of the Regional Land Management Services to protect the public's interest in matters relating to ground water protection, surface water protection, and other issues affecting the health and safety of the residents of Webb County, Texas. Cmr. Martinez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 57. Discussion and possible action regarding legal matter titled Webb County vs. Electronic Systems and Software, Inc.; and any matter incident. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez advised the Court that no action was required since it was a status report only.

Item No. 58. Discussion and possible action to give direction and authority concerning Cause No. 2006-CVQ-000810-D1; 359 P4 L.L.C. vs. City of Laredo, Elizabeth G. Flores, County of Webb, and Leocadio "Leo" Flores; In the 49th Judicial District Court of Webb County, Texas [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez recommended the Court to instruct the County Attorney and Mr. James Allison, Allison Bass & Associates, to take all steps necessary to continue to defend and represent the County.

Cmr. Martinez motioned to authorize the Law Firm of Allison Bass & Associates to assist the County Attorney and to authorize the County Attorney to retain private counsel if necessary to represent the County Auditor Leo Flores. Cmr. Garza seconded the motion.

Item No. 59. Discussion and possible action regarding Civil Action No. L-06-CV-168; Mario A. Compean and Ruth Compean, Individually, and Jason Compean as Representative of the Estate of Eric Compean; In the United States District Court for the Southern District of Texas, Laredo Division. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Martinez advised that no action was needed in this item.

Item No. 60. Discussion and possible action regarding Cause No. L-06-85; Guillermo Garcia vs. Webb County; In the United States District Court for the Southern District of Texas, Laredo Division, and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Martinez motioned to authorize counsel representing the County to settle within the parameters set out in the mediation. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Sciaraffa abstaining from voting.

Cmr. Tijerina recognized Cmr. Hope Andrade, TXDOT, for being present; however, she advised that Cmr. Andrade had to leave early because she had another meeting to attend.

Cmr. Martinez excused himself from the meeting.

Item No. 9. Presentation on the subject of RMAs (Regional Mobility Authorities) by Mario G. Medina, District Engineer, Laredo District, for the Texas Department of Transportation.

Mr. Mario Medina, District Engineer for Laredo District for Texas Department of Transportation, made a presentation to the Court. (presentation on file at County Clerks office)

Ms. Nelson Montemayor, Planning Director for TXDOT, read a note to the Commissioner's Court written by Cmr. Hope Andrade.

Item No. 61. Adjournment

Cmr. Sciaraffa motioned to adjourn. Cmr. Garza seconded the motion.

Motion carried 4-1 with Cmr. Martinez not present.